

Pietsch, Christina W.

From: Allen, Angela M.
Sent: Friday, July 22, 2022 7:41 PM
To: Carter, Allen T.; Malysiak, James T.; Truax, Terrence J.; Pelz, Joel T.; Fox, Brandon; Gallegos, Amy M.
Cc: Barnes, Donald M.; Levine, Jay L.; King, James A.; Sumner, Robin P.; 'Redding, Whitney';
'robert.browne@troutman.com'; carrie.mahan@weil.com; 'ssiegel@weil.com'; 'Liegel, Brian'; 'Brian Robison'; Liv Kiser; Patrick Collins; Patrick Otlewski
Subject: RE: Kraft, et al. v. UEP, et al. - Initial Pretrial Exchanges
Attachments: 2022.07.22 Plaintiffs' Initial Witness List.pdf; 2022.07.22_Plaintiffs Initial Deposition Designation Exchange.XLSX; CHICAGO-#3090153-v2-7_22_2022_Plaintiffs__Initial_Trial_Exhibits.XLSX

Counsel:

Pursuant to the Court's May 2, 2022 Pretrial Scheduling Order, please see the attached Plaintiffs' Initial Witness List, Exhibit List and Deposition Designations.

We will be circulating a Kiteworks link containing Plaintiffs' exhibits and highlighted mini-script transcripts.

Regards, Angela

From: Carter, Allen T. <ACarter@porterwright.com>
Sent: Friday, July 22, 2022 4:03 PM
To: Malysiak, James T. <JMalysiak@jenner.com>; Truax, Terrence J. <TTruax@jenner.com>; Pelz, Joel T. <JPelz@jenner.com>; Allen, Angela M. <AAllen@jenner.com>; Fox, Brandon <BFox@jenner.com>; Gallegos, Amy M. <AGallegos@jenner.com>
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Subject: Kraft, et al. v. UEP, et al. - Initial Pretrial Exchanges

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Counsel:

Pursuant to the Court's May 2, 2022 Pretrial Scheduling Order, please see the attached cover letter and designation, exhibit, and witness lists. As explained in the cover letter, the documents identified in the exhibit list and highlighted mini-script transcripts have been uploaded to the following FTP site:

<https://ftp.porterwright.com/>

UN: RoseAcreChiPLTF

PW: Y5mvx6Z2YZ@

If you have any issues with the attachments or the FTP site, please contact me.

Thanks,

Allen

ALLEN T. CARTER

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END OF NOTICE

Plaintiffs' Witnesses

Plaintiffs expect to call the following lay and expert witnesses for testimony at trial, either live or by designation. Plaintiffs reserve the right to amend the list, including not calling certain witnesses, upon reasonable notice to Defendants.¹

Witness and Address	Employer	Brief Statement of the Evidence
Aaron Riippa Sourcing Business Leader 1 General Mills Blvd. Golden Valley, MN 55426	General Mills	Mr. Riippa is expected to testify about General Mills's purchasing practices and how the company approaches sourcing egg products from suppliers.
Al Pope	By designation (formerly United Egg Producers)	Mr. Pope is expected to testify regarding the conduct of UEP and its members, what transpired and UEP meetings, and UEP's communications with its members.
Anthony Airoso Weber Hall Suite 204-A University of the Pacific 3601 Pacific Avenue Stockton, CA 95211	University of the Pacific (formerly Walmart)	Mr. Airoso is expected to testify about Walmart's purchasing practices, whether Walmart demanded the UEP Certified Program or 100% Rule, how Sparboe Farms became a Walmart supplier and pressure put on Walmart by UEP to refuse to deal with Sparboe.
Bryan "Ky" Hendrix	Retired (formerly Rose Acre Farms)	Mr. Hendrix is expected to testify regarding Rose Acre Farms' implementation of short-term measures and the UEP Certified Program.
Chad Gregory 6455 East Johns Crossing, Suite 410 Johns Creek, GA 30097	United Egg Producers	Mr. Gregory is expected to testify regarding the conduct of UEP and its members, what transpired in UEP meetings, UEP's communications with its members, and his interaction with Cal-Maine, MFI, and Rose Acre.
Binh Tran (or other General Mills representative)	By designation (formerly General Mills)	Mr. Tran is expected to testify about General Mills's purchasing practices and the extent, if any, to which General Mills knew about the UEP Certified Program.

¹ Plaintiffs anticipate filing *motions in limine* to exclude certain evidence, including evidence created after December 31, 2008. Plaintiffs' deposition designations, exhibit list and witness list are subject to the outcome of such motions. Plaintiffs designate testimony and identify exhibits and witnesses about post-2008 events, and the other subjects sought to be excluded in Plaintiffs' anticipated *motions in limine* only in the event, and to the extent, plaintiffs' respective motions are denied.

Craig Willardson 5220 Avenida De Despacio Yorba Linda, CA 92887	Moark, LLC (formerly Land O' Lakes)	Mr. Willardson is expected to testify regarding Moark's participation in the UEP Certified Program, its knowledge of the program's goals and purpose, and its impact on egg prices and supply.
Curtis Amundson 424 Lewis Dr. Richmond, KY 40475	(formerly Kraft)	Mr. Amundson is expected to testify about Kraft's animal welfare policies during the relevant time period.
Dolph Baker Cal-Maine Foods, Inc. 1052 Highland Colony Parkway, Ste. 200 Ridgeland, MS 39157	Cal-Maine	Mr. Baker is expected to testify regarding the purpose and development of the UEP Certified Program, short term supply adjustment steps taken by UEP members, Cal-Maine's involvement in the UEP, Cal-Maine's involvement with USEM and its participation in USEM exports, and what transpired at UEP and USEM meetings.
Donald Bell	By designation (formerly University of California)	Mr. Bell is expected to testify regarding egg industry statistics and economic analyses, his involvement with and work for the UEP, including the UEP Scientific Advisory Committee, and the purpose and development of the UEP Certified Program.
Garth Sparboe 1907 Wayzata Blvd. E., #300 Wayzata, MN 55391	Sparboe Farms, Inc.	Mr. Sparboe is expected to testify regarding the development of the UEP Certified Program, the purpose of the program, the nature of customer demand for certified eggs, producer opposition to the 100% Rule, UEP's actions to try to generate customer support for the Program, short term supply adjustment steps taken by UEP members, Sparboe Farms' involvement in the UEP, what transpired at UEP meetings, and Sparboe Farms' concerns about the Certified Program.
Gene Gregory	By designation (formerly United Egg Producers)	Mr. Gregory testified regarding his experience as the president and CEO of UEP, including his role in efforts to reduce flock numbers and raise egg prices. Mr. Gregory testified about the structure of the UEP, its interactions with egg

		producers and egg purchasers, and the UEP's development, implementation, and enforcement of the UEP Certified Program.
Gregg Ostrander 2385 Gulf Shore Blvd. N. Naples, FL 34103	Michael Foods Inc.	Mr. Ostrander is expected to testify regarding MFI's knowledge of the UEP Certified Program's goals, including its efforts to manage the domestic supply of shell eggs and egg products, MFI's participation in the UEP Certified Program, and its impact on layer numbers.
Gregory Hinton Seymour, IN	Rose Acre Farms	Mr. Hinton is expected to testify as to the effects of the UEP Certified Program, exports, and short-term measures on egg prices and on Rose Acre customers. He also is expected to testify to his experiences with and involvement in the UEP, including as a member of the UEP's marketing committee.
James Carlson Brooklyn, NY	HSUS	Mr. Carlson's expected testimony will be limited to authenticating 2 videos and photographs taken at Rose Acre Farms in 2010.
Jayson Lusk Purdue University, IN	Expert	Professor Lusk is expected to present expert and rebuttal expert testimony. ²
Jeff Armstrong California Polytechnic State University 1 Grand Ave. San Luis Obispo, CA 93407	California Polytechnic State University	Dr. Armstrong is expected to testify regarding the UEP Scientific Advisory Committee's activities, including its interactions with Defendants, the development of the UEP Scientific Advisory Committee Animal Welfare Recommendations, and the translation of the Recommendations into the UEP Animal Husbandry Guidelines for Egg Laying Hens.
Jeff Hardin Cal-Maine Foods, Inc.	Cal-Maine	Mr. Hardin is expected to testify to his experiences at Cal-Maine during the development of the UEP Certified

² Please be advised that, consistent with Judge Pratter's Order of September 23, 2019, which denied motion in limine Docket No. 1904, plaintiffs intend to use the testimony of expert witness Professor Jayson Lusk to respond to animal welfare evidence submitted by the defendants through either expert or non-expert testimony. To the extent that such testimony comes in through adverse witnesses or cross-examinations in the plaintiffs' case in chief, Prof. Lusk may be presented in the case in chief.

1052 Highland Colony Parkway, Ste. 200 Ridgeland, MS 39157		Program, the nature of customer demand for certified eggs, and the effects of the UEP Certified Program, exports, and short-term measures on egg prices and on Cal-Maine customers.
Jill Hollingsworth Hilton Head Island, SC	Food Marketing Institute	Ms. Hollingsworth is expected to testify about FMI's review of producer welfare efforts, interactions with UEP and its members and UEP's Guidelines and Certification Program.
John Mueller 1907 Wayzata Blvd. E., #300 Wayzata, MN 55391	Sparboe Farms, Inc.	Mr. Mueller is expected to testify regarding Sparboe Farms' concerns about the Program, Sparboe Farms' decision to leave the UEP Certified Program and the USEM, what transpired at UEP meetings, and Sparboe Farm's communications with the UEP and its members.
Kelly Tobey 1 Kellogg Square, Battle Creek, MI 49017	Kellogg	Ms. Tobey is expected to testify about Kellogg's purchasing practices during the relevant time period.
Ken Klippen 60 Whitehall Dr. Collegeville, PA	Klippen & Associates LLC (former UEP)	Mr. Klippen is expected to testify to his experiences at UEP during development of the UEP Certified Program and other UEP conduct, and the development and acceptance of a competing animal husbandry program.
Ken Paramore P. O. Box 994 Atlantic Beach, N. C. 28512.	Former Cal-Maine	Mr. Paramore is expected to testify to his experiences at Cal-Maine during the development of the UEP Certified Program, the nature of customer demand for certified eggs, and the effects of the UEP Certified Program, exports, and short-term measures on egg prices and on Cal-Maine customers.
Linda Reickard 6455 East Johns Crossing, Ste. 410 Johns Creek, GA 30097	Former United Egg Producers	Mr. Reickard is expected to testify about USEM and its exports during the relevant time period.
Marcos Eloi <i>Global Chief Procurement Officer</i> 1 PPG Place Pittsburgh, PA 15222	Kraft	Mr. Eloi is expected to testify about Kraft's purchasing practices with respect to egg products.

Marcus Rust	Rose Acre Farms	Mr. Rust is expected to testify regarding Rose Acre's involvement in the UEP and UEP meetings, Rose Acre's decision to become a member of the UEP Certified Program and its involvement in the Program, Rose Acre's role at and conduct in connection with the UEP and its Certified Program and other conduct, including early molting, early slaughter, pullet reduction and exports; Rose Acre's role at and involvement with USEM and its participation in USEM exports, Rose Acre's capacity and production of eggs.
Matthew Neal 1 Kellogg Square, Battle Creek, MI 49017 (or other Kellogg's representative)	Kellogg	Mr. Neal is expected to testify about Kellogg's purchasing practices during the relevant time period.
Michael Baye NERA Economic Consulting 1255 23rd St., NW Washington, DC 20037 Department of Business Economics Kelley School of Business Indiana University 1309 East Tenth St. Bloomington, IN 47405-1701	NERA	Dr. Baye is expected to present expert and rebuttal expert testimony
Phyllis Blizzard	(formerly United States Egg Marketers)	Ms. Blizzard is expected to testify about the conduct of USEM and its members, what transpired at USEM meetings, and USEM's interactions with the UEP.
Robert Hodges 3925 Laurel Ridge Springdale, Arkansas 72764	Moark, LLC (formerly Land O' Lakes)	Mr. Hodges is expected to testify regarding Moark's participation in the UEP Certified Program, its knowledge of the program's goals and purpose, and its impact on egg prices and supply.
Scott Manion 929 12th Street Wilmette, IL 60091 (or other Kraft representative)	Synergy Flavors (formerly Kraft)	Mr. Manion is expected to testify about Kraft's purchasing practices and Kraft's attempts to explain the egg market's price volatility during the relevant time period.
Steve Feyman 20491 Black Tree Ln.	(formerly Nestle)	Mr. Feyman is expected to testify about Nestlé's purchasing practices during the

Estero, FL 33928 (or other Nestle representative)		relevant time period and the extent to which Nestlé required UEP certification for egg products it purchased.
Steve Storm	(formerly Cal-Maine)	Mr. Storm is expected to testify regarding the activities of the UEP Producer Committee for Animal Welfare, the purpose and development of the UEP Certified Program, Cal-Maine's involvement in the UEP Certified Program, and what transpired at UEP and UEP Producer Committee for Animal Welfare meetings.
Terry Baker 301 Carlson Parkway Ste. 400 Minnetonka, MN 55305	Michael Foods, Inc.	Mr. Baker is expected to testify regarding the nature of customer demand for Certified eggs and egg products, MFI's attempt to modify the 100% Rule, MFI's decision to join the UEP Certified Program and its impact on layer numbers, and MFI's consideration of an alternative animal welfare plan
Tiffany Mercuri 812 Walter Run Waunakee, WI 53597 (or other General Mills representative)	Clasen Quality Chocolate (formerly General Mills)	Ms. Mercuri is expected to testify about General Mills's purchasing practices and General Mills's attempts to explain the egg market's price volatility during the relevant time period.
Timothy Bebee	Michael Foods, Inc.	Mr. Bebee is expected to testify regarding MFI's knowledge of the UEP Certified Program's goals, including its efforts to manage the domestic supply of shell eggs and egg products, MFI's participation in the UEP Certified Program, and its impact on layer numbers.